



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

June 5, 2013

In response, refer to:
151416SWR2010SR00304

Murry Wilson
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, California 93408

Dear Mr. Wilson:

This letter is in response to the San Luis Obispo County Department of Planning and Building's April 17, 2013, Notice of Availability of the Draft Environmental Impact Report (DEIR) for the Oster Living Trust (Las Pilitas Quarry) Condition Use Permit and Reclamation Plan – DRC2009-0025. Las Pilitas Resources, LLC has applied for a County permit to extract 500,000 tons of material from the quarry over the next 30 years. This project is located near the town of Santa Margarita, San Luis Obispo County, California.

The proposed Las Pilitas Quarry is located adjacent to the Salinas River and is near the confluence of the Salinas River and Moreno Creek. South-Central California Coast (S-CCC) steelhead Distinct Population Segment (DPS) are listed as threatened in the Salinas River and are may go extinct (Good *et al.* 2005, NMFS 2011, and Williams 2011). NMFS recently completed a draft recovery plan for S-CCC steelhead (NMFS 2012) and determined steelhead in the Upper Salinas River Basin is an essential sub-population to recover for the viability of the S-CCC DPS. Groundwater extraction and mining operations were identified as significant threats to steelhead survival and recovery in the Salinas River watershed.

NMFS is concerned about the potential impacts to S-CCC steelhead from the development of the Las Pilitas Quarry. From information provided in the DEIR, we are unable to fully evaluate the extent proposed activities and the cumulative effects of groundwater and mining operations in the project area adjacent to the Salinas River will have on aquatic ecosystems. Extraction of groundwater for beneficial uses could result in impacts to aquatic organisms. Direct impacts might include: (1) passage impediments to juvenile and adult salmonids; (2) impaired water quality; and (3) a reduction of viable rearing habitat for juvenile fish (Smith and The California Water Policy Center 1980; Moyle and Baltz 1985; Ebersole *et al.* 2001). The DEIR does not evaluate how cumulative impacts from groundwater and surface water extraction could affect the migration of steelhead in the Salinas River. We are concerned about the potential impacts to



steelhead because steelhead migration in the Upper Salinas is already by intermittent surface flows. Overdraft of groundwater can delay surface flows by extending the length of time required to recharge depleted aquifers (Zektser *et al.* 2005). The recovery of steelhead will require suitable habitat conditions, primarily in the form of in-stream flow for adults, juveniles, and smolts. The DEIR evaluates total annual water demand and presumes a uniform monthly demand on water supply in the Upper Salinas River. Thereby the DEIR determined impacts from ground water extraction are less than significant. The DEIR should further evaluate impacts to the natural hydrograph and any affects to migration of adults, juveniles, and smolts.

NMFS assumes quarry operations will employ "best management practices." However, we recommend further consultation to ensure impacts to S-CCC steelhead and their critical habitat are avoided. Consideration should also be given to other measures like buffers between the quarry and the Salinas River, erosion control methods, and appropriate work windows.

Please keep us informed on the status of the DEIR. If you have any questions concerning this letter, please contact Devin Best at (707) 578-8553 or via email at devin.best@noaa.gov.

Sincerely



Dick Butler
North Central Coast Office Supervisor
Protected Resource Division

cc: Julie Means, CDFW, Fresno
Diane Noda, USFWS, Ventura
Michael Thomas, CCRWQCB, San Luis Obispo

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